



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER



HORTICULTURE COMMISSION MEETING

June 30, 2009

9:00 a.m.

Veterans Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806
Minutes

**Agricultural &
Environmental
Sciences**

P.O. Box 3596
Baton Rouge,
LA 70821
(225) 925-9770
Fax: 925-3760

**Agro-Consumer
Services**

P.O. Box 3098
Baton Rouge,
LA 70821
(225) 922-1341
Fax: 923-4877

**Animal Health
Services**

P.O. Box 1951
Baton Rouge,
LA 70821
(225) 925-3962
Fax: 925-4103

Forestry

P.O. Box 1628
Baton Rouge,
LA 70821
(225) 925-4500
Fax: 922-1356

**Management
& Finance**

P.O. Box 3481
Baton Rouge,
LA 70821
(225) 922-1255
Fax: 925-6012

Marketing

P.O. Box 3334
Baton Rouge,
LA 70821
(225) 922-1277
Fax: 922-1289

**Soil & Water
Conservation**

P.O. Box 3554
Baton Rouge,
LA 70821
(225) 922-1269
Fax: 922-2577

CALL TO ORDER

The hearing was called to order by Mr. Bass at 9:09 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Dr. Allen Owings, Van Cox, Stephen Hoover, Paul Orr, Donald Kelley and Bill Fleming.

Members absent: Rob Barry, Harold Tani, Roger Mayes, Mike Rome and Rusty Ruckstuhl.

A quorum was present.

Others present: Murphy Bell, Commission's Attorney; Linsey Hunter, Hearing Officer; Craig Roussel, LDAF; Ansel Rankins, LDAF; Ruby Bolding, LDAF; and Fran Bellington, LDAF.

APPROVAL OF MINUTES

Motion: Mr. Cox made a motion to approve the minutes from the March 5, 2009 hearing. This motion was seconded by Mr. Hoover and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, September 17th, 2009 at 9:00 a.m. in the Veterans Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENTS

Mrs. Sonya Cureton requested to have her retail florist license reinstated. **Motion:** Mr. Cox made a motion to reinstate her license. This motion was seconded by Mr. Hoover and passed unanimously.

Mr. Jake Wendling requested to be placed on the agenda to ask for reinstatement of his landscape horticulturist license but failed to appear.

The Commission took a short break at 9:23 a.m. and reconvened at 9:43 a.m. with a quorum present.

Mr. Parker made an announcement that Mr. Mike Rome has resigned his position on the Horticulture Commission and thanked him for his time served.

HEARING

CONTINUED CASES

Pat Welker
d/b/a Evergreen Sprinkler Systems
1108 Glenmar Avenue
Monroe, LA 71201

Case No.: 09-003

Four violations of L.R.S. 3:3804 (C) for advertising and engaging in a regulated profession (irrigation contractor) without the proper license.

Mr. Welker was present. Mr. Welker's case was continued at the last hearing and he requested another continuance but then withdrew his request and asked to proceed. **Motion:** Mr. Parker made a motion to find Mr. Welker in violation. This motion was seconded by Mr. Fleming and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$1,000.00. **Motion:** Mr. Cox made a motion to suspend one half of the penalty for a total fine of \$500.00 because Mr. Welker has gotten his license since these charges occurred. This motion was seconded by Mr. Kelley. Seven members voted in favor with one member opposed. Motion carried.

New Cases

Burt Rico
d/b/a Rico Tree Service
262 Riverside Drive
Simmesport, LA 71369

Case No.: 09-008

One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist) without the proper license.

Stipulation received. Recommended penalty of \$500.00. **Motion:** Mr. Hoover made a motion to accept the stipulation and the recommended penalty. Mr. Cox seconded this motion and it passed unanimously.

Erik Ernst
1004 Foy St.
Mandeville, LA 70448

Case No. 09-012

One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (landscape irrigation) without the proper license.

Stipulation and payment in the amount of \$250.00 received. **Motion:** Mr. Fleming made a motion to accept the stipulation and payment. This motion was seconded by Mr. Cox and passed unanimously.

Benjamin Lamb
d/b/a Lamb's Tree Service
1630 Powers Road
Paducah, KY 42003

Case No.: 09-006

Ten violations of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist) without the proper license.

Mr. Lamb was not present but the department proceeded because service was effected. **Motion:** Mr. Parker made a motion to find Mr. Lamb in violation. This motion was seconded by Mr. Fleming and passed unanimously. Recommended penalty of \$500.00 per violation for a total fine of \$5,000.00 and that the department seek an injunction because Mr. Lamb has previous violations. **Motion:** Mr. Cox made a motion to accept the recommended penalty and to seek an injunction. This motion was seconded by Mr. Fleming and passed unanimously.

Borinquen "Bo" Torres
d/b/a Community Tree Service
926 Don Avenue
Denham Springs, LA 70726

Case No.: 09-007

Five violations of L.R.S. 3:3804 (C) for advertising, soliciting and engaging in a regulated profession (arborist) without the proper license.

Mr. Torres was not present but the department proceeded because service was effected. **Motion:** Mr. Cox made a motion to find Mr. Torres in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$1,000 for a total fine of \$5,000.00 and that the department seek an injunction because Mr. Torres has previous violations. **Motion:** Mr. Cox made a motion to accept the recommended penalty and to seek an injunction. This motion was seconded by Mr. Hoover and passed unanimously.

Kelvin Robins
d/b/a Kelvin Robins Tree Experts
4536 Blueribbon Drive
Baton Rouge, LA 70814

Case No.: 09-009

Six violations of L.R.S. 3:3804 (C) for advertising, soliciting and engaging in regulated professions (arborist and landscape horticulturist) without the proper license.

Mr. Robins was present. **Motion:** Mr. Parker made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Fleming and passed unanimously. Recommended penalty of \$500.00 per violation for a total fine of \$3,000.00. **Motion:** Mr. Cox made a motion to accept the recommendation. This motion was seconded by Mr. Parker and passed unanimously.

Derek Ancalade
d/b/a Riverbend Landscape
68052 Hwy 41 Trailer Park
Pearl River, LA 70452

Case No.: 09-011

Seven violations of L.R.S.3:3804 (C) for advertising, soliciting and engaging in regulated professions (landscape irrigation and landscape horticulturist) without the proper license.

Mr. Ancalade was not present but the department proceeded because service was effected. **Motion:** Mr. Fleming made a motion to find Mr. Ancalade in violation. This motion was seconded by Dr. Owings and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$1,750.00. **Motion:** Mr. Cox made a motion to accept the recommended penalty. This motion was seconded by Mr. Fleming and passed unanimously.

Jason Jarrell
d/b/a J.J.'S Tree Removal
711 S. New Hampshire Apt. 9
Abita Springs, LA 70420

Case No.: 09-013

Six violations of L.R.S. 3:3804 (C) for advertising, soliciting and engaging in a regulated profession (arborist) without the proper license.

Mr. Jarrell was present. **Motion:** Mr. Fleming made a motion to find Mr. Jarrell in violation of all six (6) charges for a total fine of \$250.00. **Motion:** Mr. Fleming made a motion to amend the motion to call for a vote separately on the violation and fine. **Motion:** Mr. Fleming made a motion to find Mr. Jarrell in violation of all six (6) charges. This motion was seconded by Mr. Kelley and passed unanimously. **Motion:** Mr. Fleming made a motion to fine Mr. Jarrell a total of \$250.00. This motion was seconded by Mr. Kelley. 6 members voted in favor with 2 members opposed. Motion carried.

Edwin Kennedy
d/b/a Tiger Tree & Turf
15024 Hooper Rd.
Baton Rouge, LA 70739

Case No.: 09-014

Three violations of L.R.S. 3:3804 (C) for advertising and engaging in a regulated profession (arborist) without the proper license.

Mr. Kennedy was present. **Motion:** Mr. Cox made a motion to find Mr. Kennedy in violation. This motion was seconded by Mr. Orr and passed unanimously. Recommended penalty of \$1,000.00 per violation for a total fine of \$3,000.00. **Motion:** Mr. Cox made a motion to suspend one half of the penalty for a total fine of \$1,500.00. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Kennedy requested to have his license reinstated. **Motion:** Mr. Fleming made a motion to allow Mr. Kennedy to reinstate his license. This motion was seconded by Mr. Orr and passed unanimously. **Motion:** Mr. Fleming made a motion that in the event that Mr. Kennedy fails to make regular payments, his license will be suspended. This motion was seconded by Mr. Cox and passed unanimously.

NEW BUSINESS

Adopt Final Rule on retail florist exam regulations

Motion: Mr. Parker made a motion to adopt the retail florist exam regulations as a final rule. This motion was seconded by Mr. Fleming and passed unanimously.

Adopt Final Rule on landscape horticulturist regulations

Motion: Mr. Parker made a motion to adopt the landscape horticulturist regulations as a final rule. This motion was seconded by Mr. Kelley and passed unanimously.

Approval of new wholesale florist study guide and examination

Motion: Dr. Owings made a motion to approve the new wholesale florist study guide and examination. This motion was seconded by Mr. Cox and passed unanimously.

PUBLIC COMMENTS

None.

ADJOURNMENT

Motion: Mr. Cox made a motion to adjourn at 11:42 a.m. This motion was seconded by Mr. Fleming and passed unanimously.